



NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

VICTOR CECILIO RAMIREZ dba R & R
COMMUNICATIONS,

Debtor.

Case No.: 2:16-bk-23754-RK

Chapter 7

**ORDER GRANTING IN PART AND
DENYING IN PART DEBTOR'S MOTION
TO EXTEND TIME TO FILE CASE
OPENING DOCUMENTS, AND
EXTENDING DEADLINE TO NOVEMBER
15, 2016 WITH NO FURTHER
EXTENSION**

[No Hearing Required]

Having reviewed and considered the motion of Debtor Victor Cecilio Ramirez's ("Debtor"), who is self-represented, for extension of time to file case opening documents ("Motion"), ECF 8, filed on October 31, 2016, the court will grant the motion in part, deny the motion in part and extend the deadline only to November 15, 2016. The reasons for the court's ruling are as follows.

Debtor filed this bankruptcy case on October 18, 2016 as a "facesheet" filing, that is, the face sheet of a bankruptcy petition with no bankruptcy schedules and no statement of financial affairs, meaning no meaningful information about Debtor's financial affairs has been provided by Debtor in this case. Debtor's offered excuse for not filing the required

1 case opening documents and for requesting an extension of time to file his case
2 document documents to December 16, 2016, almost two months after the case was filed,
3 is that Debtor is in a military school, full time, but will be graduating on December 16,
4 2016, which excuse does not indicate any inability on his part to file his bankruptcy case
5 opening documents, and is thus not a satisfactory reason why he cannot file his
6 bankruptcy petition documents. The court also notes that Debtor had another
7 bankruptcy case this year, No. 2:16-bk-15874 BR Chapter 7, filed on May 3, 2016, which
8 was dismissed for failure to file required case opening documents on May 23, 2016.

9 Debtor's failure to file his case opening documents unduly holds up the
10 administration of this bankruptcy case and delays the meeting of creditors under 11
11 U.S.C. § 341(a) because the bankruptcy trustee is not able to review Debtor's bankruptcy
12 case opening documents to examine the debtor properly. That Debtor is in school and
13 about to graduate does not mean that he cannot prepare and complete his bankruptcy
14 petition documents or that he is justified in putting the bankruptcy process on hold for his
15 convenience. Debtor says that he wants the extension of time to file his case opening
16 documents because "Victor is in a Military School full time + doesn't have the opportunity
17 to fill these forms + take them to court. He'll be graduating on Dec. 16, 2017. Is there
18 any possibility that Victor can file after this date? Thanks." Debtor does not say that he
19 has no time to prepare and complete his bankruptcy case opening documents, that is, he
20 does not have any breaks from class to do this obligation required in this case.
21 Moreover, once the bankruptcy case opening documents were completed, nothing
22 apparently stops Debtor from mailing in the documents or having someone deliver the
23 documents to court for him rather him having it to do it himself. Due to the automatic stay
24 from this bankruptcy case under 11 U.S.C. § 362, the creditors are prevented from
25 exercising their nonbankruptcy collection rights against him, which only benefits Debtor
26 without him doing his part to file the required case opening documents, and which is
27 really unfair to his creditors.

1 While the court is inclined to deny Debtor's request for extension now because his
2 excuse does not justify him not submitting bankruptcy petition documents now or before
3 when they were due at the filing of the case on October 18, 2016 since the excuse has
4 nothing to do with any physical or other disability that keeps him from being able to
5 submit the required documents, the court will grant leave of 14 days from the date of this
6 order for Debtor to file his documents. If Debtor does not file his bankruptcy case
7 opening documents within 14 days, or by November 15, 2016, the case will be dismissed.
8 If he wants bankruptcy relief later, he can always file another bankruptcy case since the
9 dismissal in this case will be without a bar on refiling.

10 IT IS HEREBY ORDERED that:

- 11 1. Debtor's Motion is granted in part and denied in part.
- 12 2. Debtor must file his case opening documents in this matter no later than
13 November 15, 2016. **No further extensions will be granted.**
- 14 3. If Debtor fails to file his case opening documents by November 15, 2016, this
15 case will be ordered immediately dismissed. However, dismissal will be
16 without a bar on refiling.

17 **IT IS SO ORDERED.**

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23 Date: November 1, 2016



24 Robert Kwan
25 United States Bankruptcy Judge
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